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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,797	11/03/2003	Glen Van Datta	450133-04881	6263
20999	7590	04/20/2006		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER MEHRMANESH, ELMIRA	
			ART UNIT	PAPER NUMBER
			2113	
DATE MAILED: 04/20/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/700,797	DATTA ET AL.	
	Examiner	Art Unit	
	Elmira Mehrmanesh	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The application of Datta et al., for a "Violations in a peer-to-peer relay network" filed November 3, 2003, has been examined.

Claims 1-24 are presented for examination.

Information disclosed and listed on PTO 1449 has been considered.

Claims 1, 10, 11, 16, 17, 21 are rejected under 35 USC § 102.

Claims 2-9, 12-15, 18-20, 22-24 are rejected under 35 USC § 103.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 10, 11, 16, 17, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Holt et al. (U.S. Patent No. 6,829,634).

As per claim 1, Holt discloses a method of detecting and recovering from violations in a peer-to-peer relay network (col. 14, lines 64-65), comprising:

receiving a message at a peer system from a sending peer system connected to said peer system in a peer-to-peer relay network (col. 7, lines 59-63)

detecting a violation in said received message (col. 9, lines 61-65)

and sending an alert message to each peer system connected to said peer system in said peer-to-peer relay network (col. 9, lines 61-65)

wherein each peer system in said peer-to-peer relay network stores a connection limit defining a number of other peer systems up to which that peer system is permitted to connect (col. 13, lines 55-67 through col. 14, lines 1-19)

and each peer system stores a set of one or more relay rules for relaying data to other peer systems connected to that peer system (col. 14, lines 1-19).

As per claim 10, Holt discloses ignoring further messages sent by said sending peer system (col. 9, lines 19-24).

As per claim 11, Holt discloses causing said sending peer system to disconnect from said peer-to-peer relay network (col. 9, lines 25-32).

As per claim 16, Holt discloses at least two peer systems are connected through the Internet (col. 4, lines 41-45).

As per claim 17, Holt discloses a peer system in a peer-to-peer relay network (col. 14, lines 64-65), comprising: means for receiving a message at a peer system from a sending peer system connected to said peer system in a peer-to-peer relay network (col. 7, lines 59-63)

means for detecting a violation in said received message (col. 9, lines 61-65)

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and means for sending an alert message to each peer system connected to said peer system in said peer-to-peer relay network (col. 9, lines 61-65)

wherein each peer system in said peer-to-peer relay network stores a connection limit defining a number of other peer systems up to which that peer system is permitted to connect (col. 13, lines 55-67 through col. 14, lines 1-19)

and each peer system stores a set of one or more relay rules for relaying data to other peer systems connected to that peer system (col. 14, lines 1-19).

As per claim 21, Holt discloses a computer program, stored on a tangible storage medium, for use in a peer system in a peer-to-peer relay network (col. 14, lines 64-65), the program comprising executable instructions that cause a computer to:

process a received message at a peer system from a sending peer system connected to said peer system in a peer-to-peer relay network (col. 7, lines 59-63)

detect a violation in said received message (col. 9, lines 61-65)

and send an alert message to each peer system connected to said peer system in said peer-to-peer relay network (col. 9, lines 61-65)

wherein each peer system in said peer-to-peer relay network stores a connection limit defining a number of other peer systems up to which that peer system is permitted to connect (col. 13, lines 55-67 through col. 14, lines 1-19)

and each peer system stores a set of one or more relay rules for relaying data to other peer systems connected to that peer system (col. 14, lines 1-19).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-9, 12-15, 18-20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al. (U.S. Patent No. 6,829,634) in view of Morais et al. (U.S. PGPUB No. 20030229779).

As per claim 2, Holt fails to explicitly disclose detecting security violations.

Morais teaches:

said violation is a cheating violation (page 1, paragraph [0017]).

As per claim 3, Holt fails to explicitly disclose detecting security violations.

Morais teaches:

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receiving a respective additional message from each of at least one other peer systems connected to said peer system (page 5, paragraph [0064] lines 1-11). Morais et al. discloses game console generating Security Parameters Value Index.

wherein detecting said cheating violation includes: comparing said message from said sending peer system with each of said additional messages (page 6, paragraph [0076] lines 5-15)

and determining that said message from said sending peer system is different from at least one of said additional messages (page 6, paragraph [0076] lines 5-15).

As per claim 4, Holt fails to explicitly disclose detecting security violations.

Morais teaches:

detecting said cheating violation includes: generating predicted data (page 5, paragraph [0064] lines 1-11). Morais et al. discloses game console generating Security Parameters Value Index.

comparing said message from said sending peer system with said predicted data; and determining that said message from said sending peer system is different from said predicted data (page 6, paragraph [0076] lines 5-15).

As per claim 5, Holt fails to explicitly disclose detecting security violations.

Morais teaches:

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sending said predicted data to each peer system connected to said peer system in said peer-to-peer relay network (Fig. 4b and page 11, paragraph [0123]).

As per claim 6, Holt fails to explicitly disclose detecting security violations.

Morais teaches:

said violation is a security violation (page 1, paragraph [0017]).

As per claim 7, Holt fails to explicitly disclose detecting security violations.

Morais teaches:

detecting said security violation includes detecting invalid data in said message (page 6, paragraph [0076] lines 5-15).

As per claim 8, Holt fails to explicitly disclose detecting security violations.

Morais teaches:

detecting said security violation includes detecting said message was sent using improper sending procedures (page 9, paragraph [0105]).

As per claim 9, Holt fails to explicitly disclose denial of service.

Morais teaches:

said message was sent as part of denial of service attack (page 5, paragraph [0053]).

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As per claim 12, Holt fails to explicitly disclose a server.

Morais teaches:

sending said alert to a server connected to said peer system (Fig. 1, elements 112, 116, 118, 122, 126 and (page 8, paragraph [0102])).

As per claim 13, Holt fails to explicitly disclose a data update.

Morais teaches:

the data relayed by peer systems is update data for a network environment (page 8, paragraph [0100])).

As per claim 14, Holt fails to explicitly disclose a data update.

Morais teaches:

the data relayed by peer systems is update data for an online game (page 1, paragraph [0017])).

As per claim 15, Holt fails to explicitly disclose a game console.

Morais teaches:

at least one peer system is a network-enabled game console (Fig. 1, elements 102(1) to 102(n) and page 1, paragraph [0018])).

As per claim 18, Holt fails to explicitly disclose detecting security violations.

Morais teaches:

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said violation is a cheating violation (page 1, paragraph [0017]).

As per claim 19, Holt fails to explicitly disclose detecting security violations.

Morais teaches:

said violation is a security violation (page 1, paragraph [0017]).

As per claim 20, Holt fails to explicitly disclose a server.

Morais teaches:

means for sending said alert to a server connected to said peer system (Fig. 1, elements 112, 116, 118, 122, 126 and (page 8, paragraph [0102]).

As per claim 22, Holt fails to explicitly disclose detecting security violations.

Morais teaches:

said violation is a cheating violation (page 1, paragraph [0017]).

As per claim 23, Holt fails to explicitly disclose detecting security violations.

Morais teaches:

said violation is a security violation (page 1, paragraph [0017]).

As per claim 24, Holt fails to explicitly disclose a server.

Morais teaches:

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send said alert to a server connected to said peer system (Fig. 1, elements 112, 116, 118, 122, 126 and (page 8, paragraph [0102])).

It would have been obvious to one of ordinary skill in the art at the time the invention to use the method of providing security for online gaming of Morais et al. in the peer-to-peer message broadcasting of system of Holt et al. to provide a secure transferring of messages.

One of ordinary skill in the art at the time the invention would have been motivated to make the combination because Holt et al. discloses a peer-to-peer network system for broadcasting messages (Fig. 1 and col. 4, lines 29-34). Morais et al. discloses providing security for an online gaming system (page 1, paragraph [0017]). Morais et al. teaches of peer-to-peer approach for online gaming implementation (page 1, paragraph [0003]).

Related Prior Art

The following prior art is considered to be pertinent to applicant's invention, but nor relied upon for claim analysis conducted above.

Dougherty (U.S. Patent No. 6,405,104), "Fault data synchronization via peer-to-peer communications network".

Carroll et al. (U.S. Patent No. 6,327,630), "Ordered message reception in a distributed data processing system".

Schneier et al. (U.S. Patent No. 5,768,382), "Remote-auditing of computer generated outcomes and authenticated billing and access control system using cryptographic and other protocols".

Morais et al. (U.S. PGPUB No. 20030229789), "Secure key exchange with mutual authentication".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elmira Mehrmanesh whose telephone number is (571) 272-5531. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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